

reserves the right to file a divisional application directed to these claims at a later date if they so desire.

It is noted that claims 3-12, 26 and 27 have not been rejected under art. Accordingly, Applicant has assumed that these claims contain allowable subject matter. As it will become evident to the Examiner, these claims have been canceled and some of the features incorporated into new claims 28-55. Applicant respectfully submits that claims 28-55 are now in condition for allowance.

Applicant has not received from the Examiner a completed, initialed copy of the Form PTO-1449, particularly sheet 1 of 2 filed in the Information Disclosure Statement dated December 1, 1999. The Examiner is requested to initial and return to the undersigned a complete copy of the Form PTO-1449. For the convenience of the Examiner, a copy of sheet 1 of 2 Form PTO-1449 is attached.

I. Rejection Under § 101

Claim 2 is rejected under 35 U.S.C. §101 because claim 2 is directed to two different statutory class of invention. By this Amendment, claim 2 has been canceled and thus the rejection rendered moot. Accordingly, reconsideration and withdrawal of the rejection are respectfully requested.

II. Rejection Under §112

Claims 2-12, 26 and 27 are rejected under 35 U.S.C. §112, second paragraph as being indefinite. By this Amendment, claims 2-12, 26 and 27 have been canceled and thus the rejection rendered moot. Reconsideration and withdrawal of the rejection are respectfully requested.

III. Rejection Under §102

The rejection of claims 1-2 under 35 U.S.C. §102(b) over U.S. Patent No. 5,559,313 to Claus et al. has been rendered moot by the cancellation of claims 1-2. It is respectfully

requested that the rejection be withdrawn. However, Applicant traverses any future rejection of claims 28-55 over Claus et al.

Applicant asserts that Claus et al. fails to disclose each and every feature recited in claim 28. In particular, Claus et al. fails to disclose a method for recording in said purchaser rewritable record medium said first data and said third data for representing the purchase information of said first data as recited in independent claim 28. Although Claus et al. does disclose a smart card that is responsive to a list of items with individual prices that are received from a point of sale (P.O.S.) terminal during a transaction, however, Claus et al. fails to disclose or suggest a method of recording in the purchaser rewritable record medium the first data. That is, the smart card of Claus et al. only receives the name of the store, total amount and type of transaction, which corresponds to Applicant's claimed third data. In fact, the memory capacity of the smart card is low and thus insufficient to store large amounts of data. Accordingly, Claus et al. fails to disclose recording in the purchaser rewritable record medium the first data and the third data for representing the purchase information of the first data, as recited in claim 28.

As shown in Figure 4 of Applicant's application, area Z1 represents the area for recording the first data, for example, software in such a manner as to be able to rewrite or replace currently recorded data, and area Z2 and area Z3 represent the area for recording the third data. By this configuration, there is no necessity for separately purchasing two types of recording medium, for example, a first data and a third data, as is required by Claus et al. Thus, it is sufficient to purchase a single purchase rewritable record medium. Accordingly, Claus et al fails to disclose the method for recording in the purchaser rewritable record medium the first data and the third data for representing a purchase information of the first data, as recited in claim 28.

In view of the foregoing Remarks and Amendment, Applicant respectfully submits that Claus et al. fails to disclose the features recited in independent claim 28. Claims 29-55

which depend from claim 28 are likewise distinguished over the applied art for at least the reasons discussed above as well as for the additional features they recite. Reconsideration and withdrawal of the rejection under 35 U.S.C. §102 are respectfully requested.

IV. Conclusion

In view of the foregoing amendments and remarks, it is respectfully submitted that the application is in condition for allowance. Favorable consideration and prompt allowance of claims 28-55 are respectfully requested.

Should the Examiner believe that anything further is necessary to place the application in condition for allowance, the Examiner is invited to contact Applicant's undersigned attorney at the telephone number listed below.

Respectfully submitted,



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Attachments:

Appendix
Amendment Transmittal
Petition for Extension of Time
December 1, 1999 Form PTO-1449

Date: June 6, 2002

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